

AO 257 (Rev. 8/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING**OFFENSE CHARGED**

SEE ATTACHMENT

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

SEE ATTACHMENT

E-filing**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Bureau of Alcohol, Tobacco, Firearms, and Explosives person is awaiting trial in another Federal or State Court,
give name of court this person/proceeding is transferred from another district
per (circle one) FRCrp 20, 21, or 40. Show District this is a reprocution of
charges previously dismissed
 which were dismissed on motion
of: U.S. ATTORNEY DEFENSE this prosecution relates to a
pending case involving this same
defendant prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
defendant were recorded underSHOW
DOCKET NO.MAGISTRATE
CASE NO.Name and Office of Person
Furnishing Information on this form JOSEPH P. RUSSONIELLO U.S. Attorney Other U.S. AgencyName of Assistant U.S.
Attorney (if assigned)AUSA GARTH HIRE This report amends AO 257 previously submitted**PROCESS:** SUMMONS NO PROCESS* WARRANTBail Amount: NO BAIL

If Summons, complete following:

 Arraignment Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA**OAKLAND DIVISION****DEFENDANT - U.S.**

KAO SAETURN

FILED
JUL 16 2008

DISTRICT COURT NUMBER

CR 08-0246 CW

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) If not detained give date any prior
summons was served on above charges2) Is a Fugitive3) Is on Bail or Release from (show District)**IS IN CUSTODY**4) On this charge5) On another conviction Federal State6) Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer Yes
been filed? No} If "Yes"
give date
filedDATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

ADDITIONAL INFORMATION OR COMMENTS SUMMONS NO PROCESS* WARRANTBail Amount: NO BAIL

If Summons, complete following:

 Arraignment Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

PENALTY SHEET ATTACHMENT

**UNITED STATES v. KAO SAETURN
CR 08-0246 CW**

COUNT ONE

**Conspiracy to Interfere with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment:	20 Years Imprisonment
Fine:	Maximum \$250,000
Supervised Release:	Maximum 3-Year Term of Supervised Release
Special Assessment:	\$100

COUNT TWO

**Interference with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment:	20 Years Imprisonment
Fine:	Maximum \$250,000
Supervised Release:	Maximum 3-Year Term of Supervised Release
Special Assessment:	\$100

COUNT THREE

**Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))**

Imprisonment:	Maximum Life Imprisonment Mandatory Minimum 7 Years Imprisonment Consecutive
Fine:	Maximum \$250,000
Supervised Release:	Maximum 5-Year Term of Supervised Release
Special Assessment:	\$100

COUNT FOUR

**Interference with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment: 20 Years Imprisonment
Fine: Maximum \$250,000
Supervised Release: Maximum 3-Year Term of Supervised Release
Special Assessment: \$100

COUNT FIVE

**Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))**

Imprisonment: Maximum Life Imprisonment
Mandatory Minimum 7 Years Imprisonment Consec. OR
Mandatory Minimum 25 Years Imprisonment Consecutive
(if conviction is second or subsequent 924(c) conviction)
Fine: Maximum \$250,000
Supervised Release: Maximum 5-Year Term of Supervised Release
Special Assessment: \$100

COUNT SIX

**Interference with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment: 20 Years Imprisonment
Fine: Maximum \$250,000
Supervised Release: Maximum 3-Year Term of Supervised Release
Special Assessment: \$100

COUNT SEVEN

**Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))**

Imprisonment:	Maximum Life Imprisonment Mandatory Minimum 7 Years Imprisonment Consec. OR Mandatory Minimum 25 Years Imprisonment Consecutive (if conviction is second or subsequent 924(c) conviction)
Fine:	Maximum \$250,000
Supervised Release:	Maximum 5-Year Term of Supervised Release
Special Assessment:	\$100

COUNT EIGHT

**Attempted Carjacking
(18 U.S.C. § 2119)**

Imprisonment:	Maximum 15 Years Imprisonment
Fine:	Maximum \$250,000
Supervised Release:	Maximum 3-Year Term of Supervised Release
Special Assessment:	\$100

COUNT NINE

**Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))**

Imprisonment:	Maximum Life Imprisonment Mandatory Minimum 7 Years Imprisonment Consec. OR Mandatory Minimum 25 Years Imprisonment Consecutive (if conviction is second or subsequent 924(c) conviction)
Fine:	Maximum \$250,000
Supervised Release:	Maximum 5-Year Term of Supervised Release
Special Assessment:	\$100

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING**OFFENSE CHARGED**

SEE ATTACHMENT

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

SEE ATTACHMENT

E-filing

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

SAN KWEN SAEPHAN aka "Forty"

FILED

JUL 16 2008

DISTRICT COURT NUMBER

CR 08-0246 CW

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) If not detained give date any prior summons was served on above charges2) Is a Fugitive3) Is on Bail or Release from (show District)**IS IN CUSTODY**4) On this charge5) On another conviction} Federal State6) Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer Yes
been filed? No} If "Yes"
give date
filedDATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

 This report amends AO 257 previously submittedName and Office of Person
Furnishing Information on this form JOSEPH P. RUSSONIELLO U.S. Attorney Other U.S. AgencyName of Assistant U.S.
Attorney (if assigned)AUSA GARTH HIRE**PROCESS:** SUMMONS NO PROCESS* WARRANTBail Amount: NO BAIL

If Summons, complete following:

 Arraignment Initial Appearance

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

PENALTY SHEET ATTACHMENT

**UNITED STATES v. SAN KWEN SAEPHAN
CR 08-0246 CW**

COUNT ONE

**Conspiracy to Interfere with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment: 20 Years Imprisonment
Fine: Maximum \$250,000
Supervised Release: Maximum 3-Year Term of Supervised Release
Special Assessment: \$100

COUNT TWO

**Interference with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment: 20 Years Imprisonment
Fine: Maximum \$250,000
Supervised Release: Maximum 3-Year Term of Supervised Release
Special Assessment: \$100

COUNT THREE

**Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))**

Imprisonment: Maximum Life Imprisonment
Mandatory Minimum 7 Years Imprisonment Consecutive
Fine: Maximum \$250,000
Supervised Release: Maximum 5-Year Term of Supervised Release
Special Assessment: \$100

COUNT FOUR

**Interference with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment: 20 Years Imprisonment
Fine: Maximum \$250,000
Supervised Release: Maximum 3-Year Term of Supervised Release
Special Assessment: \$100

COUNT FIVE

**Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))**

Imprisonment: Maximum Life Imprisonment
Mandatory Minimum 7 Years Imprisonment Consec. OR
Mandatory Minimum 25 Years Imprisonment Consecutive
(if conviction is second or subsequent 924(c) conviction)
Fine: Maximum \$250,000
Supervised Release: Maximum 5-Year Term of Supervised Release
Special Assessment: \$100

COUNT SIX

**Interference with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment: 20 Years Imprisonment
Fine: Maximum \$250,000
Supervised Release: Maximum 3-Year Term of Supervised Release
Special Assessment: \$100

COUNT SEVEN

**Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))**

Imprisonment: Maximum Life Imprisonment
Mandatory Minimum 7 Years Imprisonment Consec. OR
Mandatory Minimum 25 Years Imprisonment Consecutive
(if conviction is second or subsequent 924(c) conviction)

Fine: Maximum \$250,000

Supervised Release: Maximum 5-Year Term of Supervised Release

Special Assessment: \$100

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING**OFFENSE CHARGED**

SEE ATTACHMENT

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

SEE ATTACHMENT

E-filing**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Bureau of Alcohol, Tobacco, Firearms, and Explosives person is awaiting trial in another Federal or State Court,
give name of court this person/proceeding is transferred from another district
per (circle one) FRCrp 20, 21, or 40. Show District this is a reprocution of
charges previously dismissed
 which were dismissed on motion
of: U.S. ATTORNEY DEFENSE this prosecution relates to a
pending case involving this same
defendant prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
defendant were recorded under

{ SHOW DOCKET NO.

{ MAGISTRATE CASE NO.

Name and Office of Person
Furnishing Information on this form JOSEPH P. RUSSONIELLO U.S. Attorney Other U.S. AgencyName of Assistant U.S.
Attorney (if assigned)AUSA GARTH HIRE**PROCESS:** SUMMONS NO PROCESS* WARRANTBail Amount: NO BAIL

If Summons, complete following:

 Arraignment Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA**OAKLAND DIVISION****DEFENDANT - U.S.**

JOSEPH VU NGUYEN

FILED**JUL 16 2008**

DISTRICT COURT NUMBER

CR 08-0246 CW

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND****DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1) If not detained give date any prior
summons was served on above charges → _____
 2) Is a Fugitive
 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
 5) On another conviction } Federal State
 6) Awaiting trial on other charges
 If answer to (6) is "Yes", show name of institution

Has detainer Yes
been filed? No} If "Yes"
give date
filed
_____DATE OF
ARRESTMonth/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODYMonth/Day/Year
_____ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS**

If Summons, complete following:

 Arraignment Initial Appearance

Defendant Address:

Comments:

PENALTY SHEET ATTACHMENT

UNITED STATES v. JOSEPH VU NGUYEN
CR 08-0246 CW

COUNT TEN

**Interference with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment:	20 Years Imprisonment
Fine:	Maximum \$250,000
Supervised Release:	Maximum 3-Year Term of Supervised Release
Special Assessment:	\$100

COUNT ELEVEN

**Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))**

Imprisonment:	Maximum Life Imprisonment Mandatory Minimum 7 Years Imprisonment Consecutive
Fine:	Maximum \$250,000
Supervised Release:	Maximum 5-Year Term of Supervised Release
Special Assessment:	\$100

COUNT TWELVE

**Felon in Possession of Firearm and Ammunition
(18 U.S.C. § 922(g)(1))**

Imprisonment:	10 Years Imprisonment
Fine:	Maximum \$250,000
Supervised Release:	Maximum 3-Year Term of Supervised Release
Special Assessment:	\$100

COUNT THIRTEEN
Possession of a Controlled Substance (Methamphetamine)
(21 U.S.C. § 844(a))

If 21 U.S.C. § 851 Information alleging prior narcotics conviction NOT FILED:

Imprisonment:	Maximum 1 Year Imprisonment
Fine:	Maximum \$1,000
Supervised Release:	Maximum 1-Year Term of Supervised Release
Special Assessment:	\$25

If 21 U.S.C. § 851 Information alleging prior narcotics conviction FILED:

Imprisonment:	Maximum 2 Years Imprisonment (one prior) Mandatory Minimum 15 Days Imprisonment (one prior)
	Maximum 3 Years Imprisonment (two priors) Mandatory Minimum 90 Days Imprisonment (two priors)
Fine:	Maximum \$2,500 (one prior) Maximum \$5,000 (two priors)
Supervised Release:	Maximum 1-Year Term of Supervised Release
Special Assessment:	\$100

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURTBY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING**OFFENSE CHARGED**

SEE ATTACHMENT

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

SEE ATTACHMENT

E-filing

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.**FILED**

DAVIS KIET DANG

JUL 16 2008

DISTRICT COURT NUMBER

CR 08-0246 CW

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Bureau of Alcohol, Tobacco, Firearms, and Explosives

 person is awaiting trial in another Federal or State Court,
give name of court this person/proceeding is transferred from another district
per (circle one) FRCrp 20, 21, or 40. Show District this is a reprocution of
charges previously dismissed
 which were dismissed on motion
of: U.S. ATTORNEY DEFENSE this prosecution relates to a
pending case involving this same
defendant prior proceedings or appearance(s)
before U.S. Magistrate regarding this
defendant were recorded underSHOW
DOCKET NO.
}MAGISTRATE
CASE NO.
}**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) If not detained give date any prior
summons was served on above charges2) Is a Fugitive3) Is on Bail or Release from (show District)**IS IN CUSTODY**4) On this charge5) On another conviction} Federal State6) Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer Yes
been filed? No} If "Yes"
give date
filedDATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

 This report amends AO 257 previously submittedName and Office of Person
Furnishing Information on this form JOSEPH P. RUSSONIELLO U.S. Attorney Other U.S. AgencyName of Assistant U.S.
Attorney (if assigned)AUSA GARTH HIRE**PROCESS:** SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

 Arraignment Initial Appearance* Where defendant previously apprehended on complaint, no new summons or
warrant needed, since Magistrate has scheduled arraignmentDefendant Address:

Date/Time: _____ Before Judge: _____

Comments:

ADDITIONAL INFORMATION OR COMMENTS	
<input type="checkbox"/> SUMMONS <input checked="" type="checkbox"/> NO PROCESS* <input type="checkbox"/> WARRANT	Bail Amount: _____
If Summons, complete following:	
<input type="checkbox"/> Arraignment <input type="checkbox"/> Initial Appearance	
Defendant Address: _____	
Date/Time: _____ Before Judge: _____	
Comments: _____	

PENALTY SHEET ATTACHMENT

**UNITED STATES v. DAVIS KIET DANG
CR 08-0246 CW**

COUNT ONE

**Conspiracy to Interfere with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment: 20 Years Imprisonment
Fine: Maximum \$250,000
Supervised Release: Maximum 3-Year Term of Supervised Release
Special Assessment: \$100

COUNT TWO

**Interference with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment: 20 Years Imprisonment
Fine: Maximum \$250,000
Supervised Release: Maximum 3-Year Term of Supervised Release
Special Assessment: \$100

COUNT THREE

**Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))**

Imprisonment: Maximum Life Imprisonment
Mandatory Minimum 7 Years Imprisonment Consecutive
Fine: Maximum \$250,000
Supervised Release: Maximum 5-Year Term of Supervised Release
Special Assessment: \$100

COUNT FOUR

**Interference with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment: 20 Years Imprisonment
Fine: Maximum \$250,000
Supervised Release: Maximum 3-Year Term of Supervised Release
Special Assessment: \$100

COUNT FIVE

**Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))**

Imprisonment: Maximum Life Imprisonment
Mandatory Minimum 7 Years Imprisonment Consec. OR
Mandatory Minimum 25 Years Imprisonment Consecutive
(if conviction is second or subsequent 924(c) conviction)
Fine: Maximum \$250,000
Supervised Release: Maximum 5-Year Term of Supervised Release
Special Assessment: \$100

COUNT FOURTEEN

**Possession of a Controlled Substance (Methamphetamine)
(21 U.S.C. § 844(a))**

If 21 U.S.C. § 851 Information alleging prior narcotics conviction NOT FILED:

Imprisonment: Maximum 1 Year Imprisonment
Fine: Maximum \$1,000
Supervised Release: Maximum 1-Year Term of Supervised Release
Special Assessment: \$25

If 21 U.S.C. § 851 Information alleging prior narcotics conviction FILED:

Imprisonment: Maximum 2 Years Imprisonment (one prior)
Mandatory Minimum 15 Days Imprisonment (one prior)

Maximum 3 Years Imprisonment (two priors)
Mandatory Minimum 90 Days Imprisonment (two priors)

Fine:
Maximum \$2,500 (one prior)
Maximum \$5,000 (two priors)

Supervised Release:
Maximum 1-Year Term of Supervised Release

Special Assessment:
\$100

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

SEE ATTACHMENT

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY:

SEE ATTACHMENT

E-filing**FILED**

JUL 16 2008

DISTRICT COURT NUMBER RICHARD W. WIEKING
CR 08-0246 CW CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA OAKLAND

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Bureau of Alcohol, Tobacco, Firearms, and Explosives

person is awaiting trial in another Federal or State Court,
give name of court

this person/proceeding is transferred from another district
per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprocution of
charges previously dismissed
 which were dismissed on motion
of:

U.S. ATTORNEY DEFENSE

this prosecution relates to a
pending case involving this same
defendant

prior proceedings or appearance(s)
before U.S. Magistrate regarding this
defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

08-70133 WDB

Name and Office of Person
Furnishing Information on this form JOSEPH P. RUSSONIELLO

U.S. Attorney Other U.S. Agency

Name of Assistant U.S.
Attorney (if assigned)

AUSA GARTH HIRE

Has detainer Yes
been filed? NoIf "Yes"
give date
filedDATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

 This report amends AO 257 previously submitted**PROCESS:**

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or
warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

PENALTY SHEET ATTACHMENT

**UNITED STATES v. JANTAR PHUN
CR 08-0246 CW**

COUNT ONE

**Conspiracy to Interfere with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment:	20 Years Imprisonment
Fine:	Maximum \$250,000
Supervised Release:	Maximum 3-Year Term of Supervised Release
Special Assessment:	\$100

COUNT TWO

**Interference with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))**

Imprisonment:	20 Years Imprisonment
Fine:	Maximum \$250,000
Supervised Release:	Maximum 3-Year Term of Supervised Release
Special Assessment:	\$100

COUNT THREE

**Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))**

Imprisonment:	Maximum Life Imprisonment Mandatory Minimum 7 Years Imprisonment Consecutive
Fine:	Maximum \$250,000
Supervised Release:	Maximum 5-Year Term of Supervised Release
Special Assessment:	\$100

COUNT FOUR
Interference with Commerce through Robbery and Extortion
(18 U.S.C. § 1951(a))

Imprisonment: 20 Years Imprisonment
Fine: Maximum \$250,000
Supervised Release: Maximum 3-Year Term of Supervised Release
Special Assessment: \$100

COUNT FIVE
Using/Carrying/Brandishing a Firearm During and In Relation to a Crime of Violence
(18 U.S.C. § 924(c)(1)(a)(ii))

Imprisonment: Maximum Life Imprisonment
Mandatory Minimum 7 Years Imprisonment Consec. OR
Mandatory Minimum 25 Years Imprisonment Consecutive
(if conviction is second or subsequent 924(c) conviction)
Fine: Maximum \$250,000
Supervised Release: Maximum 5-Year Term of Supervised Release
Special Assessment: \$100

United States District Court
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

FILED

2008 JUL 16 PM 2:52

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

VENUE: OAKLAND

CR-08-0246 CW

UNITED STATES OF AMERICA,

v.

KAO SAETURN, SAN KWEN SAEPHAN,
aka "Forty," JOSEPH VU NGUYEN,
DAVIS KIET DANG, aka Kiet Dang,
aka Kiet Davis Anh Dang, aka Kiet
Davisanh Dang, and JANTAR PHUN,
aka "Kelley",

DEFENDANT(S).

SECOND SUPERSEDING INDICTMENT

18 U.S.C. § 1951(a) – Conspiracy to Interfere with Commerce by
Robbery and Extortion; 18 U.S.C. § 1951(a) – Interference with
Commerce by Robbery and Extortion; 18 U.S.C. § 924(c)(1)(A)(ii) –
Using/Carrying/Brandishing a Firearm During and in Relation to a
Crime of Violence; 18 U.S.C. § 922(g)(1) – Felon in Possession of a
Firearm and Ammunition; 21 U.S.C. § 844(a) – Possession of
Methamphetamine

A true bill.

Jris Zo

Deputy Foreman

Filed in open court this 16th day of

July 2008

Clerk

J Blaney

Bail, \$ _____
7/16/08

*sent warrants for: Kao Saeturn
San Kwen Saepon
Joseph Vu Nguyen
Jantar Phun and
Davis Dang*

1 JOSEPH P. RUSSONIELLO (CABN 44332)
2 United States Attorney
3

FILED

JUL 16 2008

4 RICHARD W. WIEKING
5 CLERK, U.S. DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
7 OAKLAND
8

E-filing

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,) No. CR 08-0246 CW
12 Plaintiff,) VIOLATIONS: 18 U.S.C. § 1951(a) –
13 v.) Conspiracy to Interfere with Commerce by
14 KAO SAETURN,) Robbery and Extortion; 18 U.S.C. § 1951(a)
15 SAN KWEN SAEPHAN,) – Interference with Commerce by Robbery
16 aka “Forty,”) and Extortion; 18 U.S.C. § 924(c)(1)(A)(ii)
17 JOSEPH VU NGUYEN,) – Using/Carrying/Brandishing a Firearm
18 DAVIS KIET DANG,) During and in Relation to a Crime of
19 aka Kiet Dang,) Violence; 18 U.S.C. § 922(g)(1) – Felon in
20 aka Kiet Davis Anh Dang,) Possession of a Firearm and Ammunition;
21 aka Kiet Davisanh Dang, and) 21 U.S.C. § 844(a) – Possession of
22 JANTAR PHUN,) Methamphetamine
23 aka “Kelley,”)
24 Defendants.) OAKLAND VENUE
25
26
27
28

SECOND SUPERSEDING INDICTMENT

SECOND SUPERSEDING INDICTMENT

1 The Grand Jury charges:

2 COUNT ONE: (18 U.S.C. § 1951(a))

3 Beginning no later than December 30, 2007, and continuing to on or about January 8,
4 2008, defendants

5 KAO SAETURN,
6 SAN KWEN SAEPHAN,
7 aka "Forty,"
8 DAVIS KIET DANG,
9 aka Kiet Dang,
aka Kiet Davis Anh Dang,
aka Kiet Davisanh Dang, and
JANTAR PHUN,
aka "Kelley,"

10 did knowingly and intentionally conspire with each other and others known to the Grand Jury to
11 obstruct, delay, and affect commerce and the movement of articles and commodities in
12 commerce by robbery and extortion, in violation of Title 18, United States Code, Section
13 1951(a).

14

15 COUNT TWO: (18 U.S.C. § 1951(a))

16 On or about December 30, 2007, in the Northern District of California, defendants

17 KAO SAETURN,
18 SAN KWEN SAEPHAN,
19 aka "Forty,"
20 DAVIS KIET DANG,
21 aka Kiet Dang,
aka Kiet Davis Anh Dang,
aka Kiet Davisanh Dang, and
JANTAR PHUN,
aka "Kelley,"

22 did knowingly and intentionally obstruct, delay, and affect commerce and the movement of
23 articles and commodities in commerce by robbery and extortion, in violation of Title 18, United
24 States Code, Section 1951(a).

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SECOND SUPERSEDING INDICTMENT

COUNT THREE: (18 U.S.C. § 924(c)(1)(A)(ii))

On or about December 30, 2007, in the Northern District of California, defendants

KAO SAETURN,
SAN KWEN SAEPHAN,
aka "Forty,"
DAVIS KIET DANG,
aka Kiet Dang,
aka Kiet Davis Anh Dang,
aka Kiet Davisanh Dang, and
JANTAR PHUN,
aka "Kelley,"

did knowingly and intentionally use, carry, and brandish a firearm, during and in relation to a crime of violence, namely, obstructing, delaying, and affecting commerce and the movement of articles and commodities in commerce by robbery and extortion, as charged in Count Two of this Second Superseding Indictment, in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii).

COUNT FOUR: (18 U.S.C. § 1951(a))

On or about January 6, 2008, in the Northern District of California, defendants

KAO SAETURN,
SAN KWEN SAEPHAN,
aka "Forty,"
DAVIS KIET DANG,
aka Kiet Dang,
aka Kiet Davis Anh Dang,
aka Kiet Davisanh Dang, and
JANTAR PHUN,
aka "Kelley,"

did knowingly and intentionally obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery and extortion, in violation of Title 18, United States Code, Section 1951(a).

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SECOND SUPERSEDING INDICTMENT

COUNT FIVE: (18 U.S.C. § 924(c)(1)(A)(ii))

On or about January 6, 2008, in the Northern District of California, defendants

KAO SAETURN,
SAN KWEN SAEPHAN,
aka "Forty,"
DAVIS KIET DANG,
aka Kiet Dang,
aka Kiet Davis Anh Dang,
aka Kiet Davisanh Dang, and
JANTAR PHUN,
aka "Kelley,"

did knowingly and intentionally use, carry, and brandish a firearm, during and in relation to a crime of violence, namely, obstructing, delaying, and affecting commerce and the movement of articles and commodities in commerce by robbery and extortion, as charged in Count Four of this Second Superseding Indictment, in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii).

COUNT SIX: (18 U.S.C. § 1951(a))

On or about January 8, 2008, in the Northern District of California, defendants

KAO SAETURN, and
SAN KWEN SAEPHAN,
aka "Forty."

18 did knowingly and intentionally obstruct, delay, and affect commerce and the movement of
19 articles and commodities in commerce by robbery and extortion, in violation of Title 18, United
20 States Code, Section 1951(a).

COUNT SEVEN: (18 U.S.C. § 924(c)(1)(A)(ii))

On or about January 8, 2008, in the Northern District of California, defendants

KAO SAETURN, and
SAN KWEN SAEPHAN,
aka "Forty."

26 did knowingly and intentionally use, carry, and brandish a firearm, during and in relation to a
27 crime of violence, namely, obstructing, delaying, and affecting commerce and the movement of
28 articles and commodities in commerce by robbery and extortion, as charged in Count Six of this

SECOND SUPERSEDING INDICTMENT

1 Second Superseding Indictment, in violation of Title 18, United States Code, Section
2 924(c)(1)(A)(ii).

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4 COUNT EIGHT: (18 U.S.C. § 2119)

5 On or about January 22, 2008, in the Northern District of California, defendant
6 KAO SAETURN,
7 with the intent to cause death and serious bodily harm, did attempt to take by force and violence
8 and by intimidation a motor vehicle that had been transported, shipped, and received in interstate
9 and foreign commerce, from the person and presence of another, in violation of Title 18, United
10 States Code, Section 2119.

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12 COUNT NINE: (18 U.S.C. § 924(c)(1)(A)(ii))
13 On or about January 22, 2008, in the Northern District of California, defendant
14 KAO SAETURN,
15 did knowingly and intentionally use, carry, and brandish a firearm, during and in relation to a
16 crime of violence, namely, attempted carjacking, as charged in Count Eight of this Second
17 Superseding Indictment, in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii).

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19 COUNT TEN: (18 U.S.C. § 1951(a))

20 On or about February 3, 2008, in the Northern District of California, defendant
21 JOSEPH VU NGUYEN,
22 did knowingly and intentionally obstruct, delay, and affect commerce and the movement of
23 articles and commodities in commerce by robbery and extortion, in violation of Title 18, United
24 States Code, Section 1951(a).

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SECOND SUPERSEDING INDICTMENT

COUNT ELEVEN: (18 U.S.C. § 924(c)(1)(A)(ii))

On or about February 3, 2008, in the Northern District of California, defendant

JOSEPH VU NGUYEN,

did knowingly and intentionally use, carry, and brandish a firearm, during and in relation to a crime of violence, namely, obstructing, delaying, and affecting commerce and the movement of articles and commodities in commerce by robbery and extortion, as charged in Count Ten of this Second Superseding Indictment, in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii).

COUNT TWELVE: (18 U.S.C. § 922(g)(1))

On or about February 6, 2008, in the Northern District of California, defendant

JOSEPH VU NGUYEN,

having previously been convicted of a felony crime punishable by a term of imprisonment exceeding one year, did knowingly and intentionally possess, in and affecting interstate commerce, a firearm, namely, a KBI, Model PMK-380, .380 caliber, semi-automatic pistol, with an obliterated serial number, and ammunition, namely, eight rounds of Winchester .380 caliber ammunition, in violation of Title 18, United States Code, Section 922(g)(1).

COUNT THIRTEEN: (21 U.S.C. § 844(a))

On or about February 6, 2008, in the Northern District of California, defendant

JOSEPH VU NGUYEN,

did knowingly and intentionally possess a Schedule II controlled substance, namely, a mixture and substance containing a detectable amount of methamphetamine, that was not obtained directly, or pursuant to a valid prescription and order, from a practitioner acting in the course of his or her professional practice, in violation of Title 21, United States Code, Section 844(a).

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SECOND SUPERSEDING INDICTMENT

1 COUNT FOURTEEN: (21 U.S.C. § 844(a))

2 On or about February 6, 2008, in the Northern District of California, defendant

3 DAVIS KIET DANG,
4 aka Kiet Dang,
5 aka Kiet Davis Anh Dang,
6 aka Kiet Davisanh Dang,

7 did knowingly and intentionally possess a Schedule II controlled substance, namely, a mixture
8 and substance containing a detectable amount of methamphetamine, that was not obtained
9 directly, or pursuant to a valid prescription and order, from a practitioner acting in the course of
his or her professional practice, in violation of Title 21, United States Code, Section 844(a).

10 DATED: A TRUE BILL.

11 July 16, 2008

12 
Deputy FOREPERSON

13 JOSEPH P. RUSSONIELLO
United States Attorney

14 
15 BRIAN J. STRETCH
16 Chief, Criminal Division

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18 (Approved as to form: 
AUSA GARTH HIRE

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SECOND SUPERSEDING INDICTMENT